

**RECEIVED  
CENTRAL FAX CENTER****OCT 23 2009**

23Oct09

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : James M. DAVENPORT, James N. CURTI, Barry  
Serial no. : CRANDALL and Peter W. SALTER  
Confirmation No. : 10/566,305  
Filed :  
For : with an effective filing date of July 27, 2004  
Group Art Unit : RESPIRATORY THERAPY SYSTEM  
Examiner : INCLUDING A NASAL CANNULA ASSEMBLY  
Docket : 3771  
Clinton T. OSTRUP  
SALTER P47AUSP1

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Dear Sir:

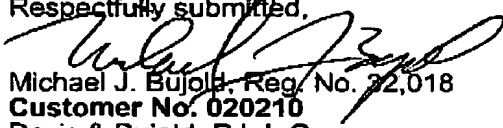
This response is being filed in reply to the office action mailed September 24, 2009. In that action, the Examiner requires restriction, under 35 U.S.C. § 121, between one of the following groups of claims:

- I. Group I, claims 1-19 drawn to a nasal cannula;
- II. Group II, claims 20-28 drawn to a respiratory therapy system;
- III. Group III, claims 29-35 drawn to a method of treating a patient with a sleep disorder;
- IV. Group IV, claims 36-42 drawn to a diagnostic tool for measuring nasal cavity pressure; or
- V. Group V, claim 43, drawn to a method of using a diagnostic tool.

In response to this requirement, the Applicant elects the invention disclosed in Group I (claims 1-19) and it is requested that, without further action thereon, claims 20-43 be retained in this application pending disposition of this case and for possible filing of a divisional application(s).

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

  
Michael J. Bujold, Reg. No. 32,018  
Customer No. 020210  
Davis & Bujold, P.L.L.C.  
112 Pleasant Street  
Concord, NH 03301-2931  
Telephone 603-226-7490  
Facsimile 603-226-7499  
E-mail: [patent@davisandbujold.com](mailto:patent@davisandbujold.com)